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Date	January 5, 2006	Total Pages: 8
To:	U.S. Patent and Trademark Office	
Attn.:	Examiner E.G. Milef	
Facsimile No.:	571-273-8300-	
From:	John S. Zanghi, Esq.	
Re:	Serial No. :09/768,129 Filed :January 23, 2001 Title : CACHING MECHANISM TO OPTIMIZE A BIDDING PROCESS USED TO SELECT RESOURCES AND SERVICES Our Ref.: PERY 2 00002	

COMMENTS

Attachments:

**NOTICE OF APPEAL
PTO FORM 2038
PRE-APPEAL BRIEF REQUEST FOR REVIEW
REQUEST FOR PRE-APPEAL BRIEF CONFERENCE**

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S) : Michael Weiss, et al.
TITLE : CACHING MECHANISM TO
OPTIMIZE A BIDDING PROCESS
USED TO SELECT RESOURCES
AND SERVICES
APPLICATION NO. : 09/768,129
FILED : January 23, 2001
CONFIRMATION NO. : 3324
EXAMINER : E.G. Milef
ART UNIT : 3628
LAST OFFICE ACTION : December 14, 2005
ATTORNEY DOCKET NO. : PERY 2 00002
Cleveland, OH 44114
January 5, 2006

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant hereby appeals to the Board from a decision of the primary Examiner mailed **October 5, 2005** finally rejecting claims 1-17. A Pre-Appeal Brief Request for Review and the Request For Pre-Appeal Brief Conference are being filed herewith.

The items checked below are appropriate:

1. STATUS OF APPLICANT

☒ This application is on behalf of other than a small entity.

01/06/2006 TL0111 00000013 09768129

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500.00 OP

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2. **FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. 1.17(b) the fee for filing the Notice of Appeal is:

☒ other than a small entity \$500.003. **EXTENSION OF TERM**

☐ Applicant(s) hereby petition(s) the Commissioner under 37 C.F.R. §1.136(a) for a _____ -month extension of time up to and including _____ in which to file the accompanying Notice of Appeal. Payment for the filing of this Notice of Appeal and any appropriate extension of time fees are authorized to be charged to a Credit Card. The appropriate form PTO-2038 is enclosed for this purpose. If the Credit Card is unable to be charged, please charge any and all fees or credit any overpayment to Deposit Account No. 06-0308.

4. **TOTAL FEES DUE**

The total fee due is:

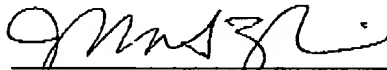
Notice of Appeal Fee: \$500.00
Extension of Time Fee: \$.00

5. **METHOD OF PAYMENT**☒ The fees indicated above are authorized to be charged to a credit card.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & MCKEE, LLP

Date

1/5/06

John S. Zanghi, Reg. No. 48,843
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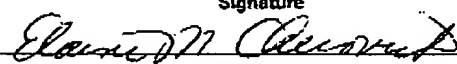
CERTIFICATE OF MAILING

I certify that this Notice Of Appeal From The Primary Examiner To The Board Of Patent Appeals And Interferences is being

☐ deposited with the United States Postal Service as First Class mail under 37 C.F.R. § 1.8, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

☒ transmitted via facsimile under 37 C.F.R. § 1.8 on the date indicated below.

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Express Mail Label No.:	Signature 
Date <u>01-05-06</u>	Printed Name Elaine M. Checovich

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